

STATE OF INDIANA)
) SS:
COUNTY OF SULLIVAN)

IN THE SULLIVAN SUPERIOR COURT
2005 TERM
CAUSE NO. 77D01-0504-PL-00123

CHARLES PHIFER)
Plaintiff)

VS.)

WABASH VALLEY CORRECTIONAL FACILITY, et. al.)
Defendants)

FILED
IN SUPERIOR COURT

APR 15 2005

Stephen H. ...
Clerk Court

ORDER

The Court takes judicial notice that the Plaintiff has filed at least three (3) previous civil actions which a state court has dismissed under I.C. 34-58-2-1. As such, the Plaintiff is prohibited from filing a new complaint or petition unless the Court determines that the Plaintiff is in immediate danger of serious bodily injury. Plaintiff's Complaint contains no factual allegations evidencing that Plaintiff is currently in immediate danger of serious bodily injury. Plaintiff's Complaint seeks damages against the named Defendants for allegedly violating his state constitutional rights by placing him in disciplinary segregation from June 30, 2004, to July 12, 2004.

Based on the foregoing, the Plaintiff's Complaint cannot proceed in state court pursuant to I.C. 34-58-2-1 and is hereby dismissed with prejudice.

SO ORDERED this 15th day of April, 2005.

Thomas E. Johnson
THOMAS E. JOHNSON, Judge of the
Sullivan Superior Court

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